Judge Marc L. Barreca

UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE: ADAM GROSSMAN, Debtor.	))))))))	CHAPTER 7 CASE NO. 10-19817 ORDER ON TRUSTEE'S OBJECTION TO CLAIM NO. 34-1 OF ABRAHAM WYNER

THIS MATTER came before the Court for hearing on September 13, 2013 upon the Trustee's Objection to Claim No. 34-1 of Abraham Wyner, Motion, Notice of Hearing and Proof of Service (Docket No. 510, hereinafter the, "Trustee's Objection"). The Trustee appeared at the hearing through his counsel of record; and Mr. Wyner failed to appear at the hearing. The Court considered the Trustee's Objection, the response to the Trustee's objection which Mr. Wyner filed with the Court (Docket No. 526), the Trustee's reply to the response of Mr. Wyner (Docket No. 543) and the pleadings and records in the above entitled case. The Court finds as follows: (a) that Claim No. 34-1 was not timely filed; (b) that the Trustee's Objection should be sustained to the extent set forth herein; (b) that Claim No. 34-1 should be allowed as a general unsecured tardily filed claim subject to the conditions

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specified herein; (c) that Claim No. 34-1 arises from a transaction with the Debtor that occurred after the Debtor and his ex-spouse were separated and in the process of getting divorced; (d) that, to the extent the claim is valid, it constitutes a separate pre-bankruptcy obligation of the Debtor and not a pre-bankruptcy obligation of his former marital community; and (e) that Claim No. 34-1 (to the extent allowed hereunder) should be characterized as a separate obligation of the Debtor, as to which any pro rata distribution in the case shall be made only from assets (if any) attributable to proceeds from liquidation of property of the bankruptcy estate derived from the separate property of the Debtor. NOW, THEREFORE,

IT IS HEREBY ORDERED as follows:

1. Claim No. 34-1 is allowed as a tardily filed general unsecured claim for $10,000.

2. Claim No. 34-1 is characterized as a separate property claim and shall only be eligible for a distribution, if any, from proceeds of property of the estate attributable to separate property of the Debtor (and not from any property of the estate attributable to property of the Debtor's former marital community).

3. The allowance of Clam No. 34-1 hereunder is without prejudice to and subject to the right of the Trustee to further object to the claim in the event that there are any funds of the estate attributable to the Debtor's separate property and said funds are sufficient to make any distribution on allowed tardily filed claims.

///END OF ORDER///

Presented by:

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